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MEMO ENDORSED

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September 14, 2023

The Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

The un-redacted version of the attached motion, submitted to the Court via email on September 14, 2023, may be filed under seal. The motion is GRANTED. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: September 15, 2023
New York, New York

Re: United States v. Milton, Case No. 21-cr-478 (ER)

Dear Judge Ramos:

Along with our co-counsel, we represent Defendant Trevor Milton in this matter. We write to respectfully request permission to file under seal the attached motion (the “September 14, 2023 Motion”) to enforce a provision of the protective order (the “Protective Order”)¹ entered in the arbitration captioned *Nikola Corp. v. Trevor R. Milton*, AAA Case No. 01-21-0017-1964 (the “Arbitration”). Mr. Milton will email an unredacted copy of the September 14, 2023 Motion to the Court, the Government, and counsel for Nikola Corp. upon filing of this motion to seal.

The relevant provision of the Protective Order requires that the September 14, 2023 Motion “be filed under seal, in a manner consistent with the rules of [this Court], and counsel for [Nikola Corp.] shall be given notice of the application at the time it is filed.” (Protective Order ¶ 5.) As set forth in more detail in the September 14, 2023 Motion and attached declaration, the September 14, 2023 Motion concerns documents that were provided by Nikola Corp. to Mr. Milton and testimony provided by Nikola Corp. employees in the Arbitration, and which are currently prohibited from use outside of the Arbitration by the Protective Order. Mr. Milton is promptly serving counsel for Nikola Corp. a copy of both this motion to seal and the September 14, 2023 Motion.

1. A copy of the Protective Order is attached to the Declaration of Terence Healy, dated Sept. 14, 2023, which is attached to the September 14, 2023 Motion as Exhibit A

Respectfully submitted,

/s/

Terence Healy

Enclosure

cc: Counsel of Record (by ECF)

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